

Remarks/Arguments:

The pending claims are 1, 2, 5-7, 10. Claims 3, 4, 8, 9, 11 have been canceled. Claims 1 and 10 have been amended. No new matter is added therein.

Claims 1 and 4 have been rejected under 35 U.S.C. § 103(a) as unpatentable over JP4-363167 and JP 10005660. Claim 1 has been amended by reciting the features of claim 4 and claim 4 has been canceled. Claim 1 recites, in part:

a length of said first forming member varies along a width of said first forming member.

Paragraph 2 on page 2 of the Office Action acknowledges that JP '167 does not disclose this feature, but contends that the feature is shown by JP '660 and that it would have been obvious to use in JP '167 the variable length first forming member allegedly shown in JP '660 in order to adjust coating quantity. Applicant respectfully disagrees.

The Office Action contends that the shape of taper block 14 in JP '660 can be used to ensure that the coating quantity in a lateral direction can be adjusted. First, the English language translation of the '660 reference does not explain why block 14 is tapered. More specifically, the English language translation does not state that the taper block allows adjustment of coating quantity. Instead, the English language translation states that coating quantity is changed by replacing passage block 13 and taper block 14. Therefore, it would not have been obvious, for this reason alone, to use a plurality of passage blocks 13 and taper blocks 14 from the '660 device in the JP '167 device in order adjust coating quantity. Such a substitution would make the operation of the JP '167 device more cumbersome. For this reason alone, there would not be any motivation to substitute parts from the '660 device into the JP '167 device.

In addition, blocks 13 and 14 in the '660 device teach away from the device disclosed in the JP '167 device. In the JP '167 device, part 1B is movable. Substitution of a plurality of blocks 13, 14 is not necessary in order to change film thickness. There is therefore no reason why someone skilled in the art would want to disrupt operation of the JP '167 device for the

purpose of substituting different blocks when such substitutions are not needed in the JP '167 device.

As a result of amending claim 1 with the features of canceled claim 4, it also recites, in part:

a displacing mechanism for tilting said first forming member along said coating width.

Discussing the features recited in claim 4, the Office Action contends that items 5 in JP '167 are displacing mechanisms that are capable of tilting the first forming member along the coating path. Applicant respectfully disagrees. There is nothing in the English translation that describes the purpose of elements 5. It appears that element 5 is comprised of parts 5A and 5B and that element 5A can slide relative to element 5B in order to expose contacts 25. There is no suggestion that elements 5A or 5B are used to tilt plate 1B. If the USPTO continues to contend that elements 5A or 5B are used to tilt plate 1B, the USPTO must produce substantial evidence to support that position. To date, the USPTO has not submitted any such substantial evidence.

For all of the above reasons, claim 1 is not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over JP4-363167 and JP 10005660.

Claims 1-2 and 4-7 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Ulcej (U.S. Patent No. 6,206,680) and JP 10005660. Since claim 1 has been amended to include the features of claims 4, and claim 4 has been canceled, the rejection of claim 4 is moot. Amended claim 1 recites, in part:

a first forming member for forming a wall of said first portion of said slit, said first forming member being displaceable to change a gap of said first portion of said slit.

Paragraph 3 on page 3 of the Office Action contends that mounting member 22 in Ulcej is a first forming member and that it is displaceable. Applicant respectfully disagrees. Mounting member 22 is not displaceable because bolt 32 extends into mounting member 22 to secure the flow control device within channels 16 and 18. (col. 2, lines 65-67). There is no

disclosure or suggestion that bolted mounting member 22 is displaceable to change a gap of the slit between body members 12a and 12b. Instead, Ulcej teaches that stiffener plate 35 permits adjustment of membrane 20 to change the gap. (col. 3, lines 3-6).

The Office Action also contends that it would have been obvious to incorporate into Ulcej the variable length forming member taught in JP '660 in order to adjust coating quantity. Applicant disagrees. As noted, Ulcej already has a system, including stiffener plate 35 and flexible membrane 20, for adjusting flow characteristics. In addition, the Office Action does not explain how tapered flow blocks from JP '660 could be used in place of non-tapered blocks in the Ulcej device without compromising the flow adjustment mechanism already in place in Ulcej.

The Office Action also contends that item 32 in Ulcej is a displacing mechanism that can tilt mounting member 22. Applicant respectfully disagrees. As noted above, mounting member 22 does not move because it is bolted by bolt 32. Specifically, bolts 32 "secure the flow control device 10 within the tapered channels 16, 18." (col. 2, lines 65-67) (emphasis added). There is no disclosure or suggestion that bolts 32 do anything other than fixedly secure items together. That is, there is no disclosure or suggestion that bolts 32 are, or can be used as, a displacing mechanism or that they tilt anything.

The Office Action also contends that the shape of taper block 14 in JP '660 can be used to ensure that the coating quantity in a lateral direction can be adjusted. As noted above, the English language translation of the JP '660 reference does not explain why block 14 is tapered and does not state that the taper block allows adjustment of coating quantity. Instead, the English language translation states that coating quantity is changed by replacing passage block 13 and taper block 14. Therefore, it would not have been obvious, for this reason alone, to use a plurality of passage blocks 13 and taper block 14 from the JP '660 device in the Ulcej device in order adjust coating quantity.

In addition, blocks 13 and 14 in the JP '660 device teach away from the device disclosed in the Ulcej device. In the Ulcej device, membrane 20 is moved in order to change the thickness of the film. Substitution of a plurality of blocks 13, 14 is not necessary in order to change film thickness. There is no reason why someone skilled in the art would want to disrupt

operation of the Ulcej device for the purpose of substituting different blocks when such substitutions are not needed in the Ulcej device. In the Ulcej device, coating thickness can be adjusted by membrane 20.

As indicated above, amended claim 1 also recites, in part:

a displacing mechanism for tilting said first forming member along said coating width.

As pointed out above, there is no disclosure or suggestion that bolts 32 can be used to tilt anything.

For all of the above reasons, claim 1 is not subject to rejection under 35 U.S.C.

§ 103(a) as unpatentable over Ulcej and JP 10005660. In addition, dependent claims 2 and 5-7 are also not subject to the rejection for at least the same reasons.

Claim 10 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Kamikihara (U.S. Patent No. 6,344,088) in view of Ulcej and JP 10005660. Claim 10 recites, in part:

a forming member for forming a wall of said first portion of said slit, said forming member being displaceable to change a gap of said first portion of said slit.

The Office Action acknowledges that Kamikihara does not show this feature, but contends that the feature is shown by Ulcej. The Office Action also contends that it would have been obvious to combine Kamikihara with Ulcej.

Claim 10 also recites, in part:

said first forming member varies along a width of said first forming member.

The Office Action also acknowledges that neither Kamikihara nor Ulcej disclose this feature. The Office Action contends that this feature is shown by JP '660 and that it would have been obvious to combine JP '660 with Kamikihara and Ulcej. Applicant respectfully disagrees.

The Office Action again contends that mounting member 22 in Ulcej is a forming member and that it is displaceable. For the reasons stated above, mounting member 22 in Ulcej is not displaceable to change a gap of the slit between body members 12a and 12b. The Office Action contends that it would have been obvious to incorporate in Kamikihara the forming member taught in Ulcej in order to adjust coating quantity. Applicant disagrees. As noted, Kamikihara already has a system, including moveable part 18, for adjusting flow characteristics. The stiffener plate 35 and flexible membrane 20 of Ulcej could not be added to, or substituted into, the Kamikihara device without having to substantially change the Kamikihara device. In addition, the Office Action does not explain how such a change could be effected without compromising the flow adjustment mechanism already in place in Kamikihara. There is no suggestion or motivation in either of the references to make such a change.

The Office Action contends that the shape of taper block 14 in JP '660 can be used to ensure that the coating quantity in a lateral direction can be adjusted. Applicant has explained above why this is not accurate. For those reasons, it would not have been obvious to use a plurality of passage blocks 13 and taper block 14 from the '660 device in the Kamikihara device in order adjust coating quantity. Such a substitution would make the operation of the Kamikihara device more cumbersome. For this reason alone, there would not be any motivation to substitute parts of the '660 device into Kamikihara.

In addition, blocks 13 and 14 in the '660 device teach away from the device disclosed in the Kamikihara device. In the Kamikihara device, moveable part 18 is moved in order to change the thickness of the film. Substitution of a plurality of blocks 13, 14 is not necessary in order to change film thickness. There is therefore no reason why someone skilled in the art would want to disrupt operation of the Kamikihara device for the purpose of substituting different blocks when such substitutions are not needed in the Kamikihara device.

Finally, the combination of the three prior art references identified by the Office Action has been done based only on hindsight. There is no disclosure or suggestion to combine all three references. The only motivation to combine the references is based on the invention recited in claim 10.

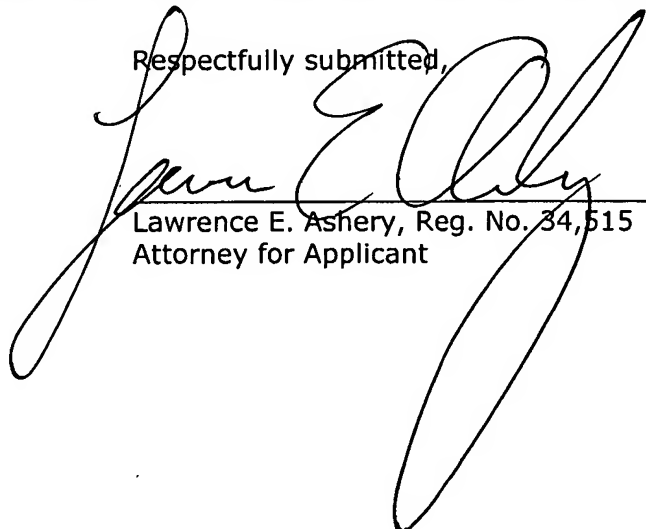
Appln. No.: 10/706,885
Amendment Dated: July 12, 2005
Reply to Office Action of: March 18, 2005

MAT-8482US

For all of these reasons, claim 10 is not subject to rejection under 35 U.S.C. § 103(a) as unpatentable over Kamikihara in view of Ulcej and JP 10005660.

For all of the above reasons, claims 1, 2, 5-7 and 10 are now in condition for allowance.

Respectfully submitted,


Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicant

LEA/ds

Dated: July 12, 2005

P.O. Box 980
Valley Forge, PA 19482
(610) 40-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

July 12, 2005



Deborah Spratt

DAS_I:\MAT\8482US\AMEND_02.DOC